

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:18-cv-96

BRIAN HOGAN, both on his own behalf and as representative of all unnamed class members who are similarly situated; BRIAN HOGAN, as parent and next friend of H.H., both her own behalf and as representative of all unnamed class members who are similarly situated,

Plaintiffs,

vs.

CHEROKEE COUNTY; CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES; SCOTT LINDSAY both in his individual capacity and official capacity as attorney for Cherokee County Department of Social Services; CINDY PALMER, in both her individual capacity and her official capacity as Director of Cherokee County Department of Social Services; DSS SUPERVISOR DOE #1, et al.,
Defendants.

**DEFENDANTS' MOTION FOR
NEW TRIAL NISI REMITTITUR**

Defendants Cherokee County, Scott Lindsay, and Cindy Palmer move, pursuant to Rule 59(a) of the Federal Rules of Civil Procedure, for a new trial nisi remittitur pursuant to Rule 59 (a) of the Federal Rules of Civil Procedure because the damages awarded to both Brian and H.H. were excessive as a matter of law.

This Motion is based upon the accompanying Brief and Declaration of Sean F. Perrin.

Respectfully submitted, this the 19^h day of July, 2021.

s/Sean F. Perrin

*Attorney for Defendants Cherokee County,
Cherokee County Department of Social
Services, Scott Lindsay in his official
capacity and Cindy Palmer in her official
capacity*

s/Mary Euler

*Attorney for Defendant Cindy Palmer in her
individual capacity*

s/ Pat Flanagan

*Attorney for Defendant Scott Lindsay in his
official capacity*